

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Thomas W. Wales,

Plaintiff,

v.

Civil No. 08-39 (JNE/JJK)
ORDER

Dr. Tran, Dr. Shelly Stanton,
Dr. Anderson, Mr. Jack Bakker,
The F.B.O.P., and The Mayo Clinic,
Rochester,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeffrey J. Keyes, United States Magistrate Judge, on October 14, 2008. The magistrate judge recommended that the Motion to Dismiss brought by The Mayo Clinic, Rochester (Mayo Clinic), be granted, that Plaintiff's Motion for Leave to File "Plaintiff's First Amended Complaint" be denied as to the claims alleged against the "Mayo Defendants,"¹ and that Plaintiff's Motion for Injunctive Relief or in the Alternative Writ of Mandamus be denied. Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Mayo Clinic's Motion to Dismiss [Docket No. 16] is GRANTED.
2. Plaintiff's claims in the Complaint against Mayo Clinic are DISMISSED WITH PREJUDICE.
3. Plaintiff's Motion for Leave to File "Plaintiff's First Amended Complaint" [Docket No. 69] is DENIED as to the claims alleged against the Mayo Defendants.

¹ The "Mayo Defendants" are: (1) Mayo Clinic, (2) Dr. McGoon, (3) Dr. Bannon, (4) Dr. Gross, and (5) Mayo Clinic Doe Defendants.

4. Plaintiff's Motion for Injunctive Relief or in the Alternative Writ of Mandamus [Docket No. 77] is DENIED.

Dated: November 4, 2008

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge